

TOWN OF DEDHAM
PLANNING DEPARTMENT
26 BRYANT STREET, DEDHAM, MASSACHUSETTS 02026



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PLANNING BOARD MEETING MINUTES
Lower Conference Room, Town Office Building
Thursday, February 9, 2012, 7 p.m.

PRESENT: Robert D. Aldous, Chairman
John R. Bethoney, Vice Chairman
James E. O'Brien IV, Clerk
Michael A. Podolski
Ralph I. Steeves

STAFF PRESENT: Richard J. McCarthy, Planning Director
Susan Webster, Administrative Assistant

MINUTES

Applicant: Greater Boston Musculoskeletal Center Real Estate Company LLC
Project Address: 40 Allied Drive
Property Owner: Greater Boston Musculoskeletal Center Real Estate Company LLC
Case #: MNRP-08-11-1406

Zoning District: Research, Development and Office (RDO)
Date of Application: September 22, 2011
Date of Hearing: February 9, 2012
Location of Hearing: Lower Conference Room
Time of Hearing: 7 p.m.

Applicant Representative(s): Peter A. Zahka II, Esq.
Stephen McCarthy, Director of Real Estate and Facilities, Shields Health Care
Griffin Ryder, P.E., Project Manager, VHB
Town Consultant: Steven Findlen, McMahon Associates

The applicant presented to the Board to discuss a proposed Certificate of Action from the Town of Dedham for 40 Allied Drive, as prepared by Mr. Zahka. Westwood has already received their separate proposed Certificate of Action.

Examples of the document review included the following issues:

- The project is a PC development, a major nonresidential project to be approved as a Special Permit by the Planning Board.
- Mr. Zahka believes that the cafeteria/café in the building is in fact an accessory use. They will see the Board of Selectmen for a common victualler permit.
- He reviewed the list of exhibits for the document.
- The project will be substantially constructed in accordance with the plans of record, which are incorporated by reference.

Changes:

- Staging equipment: Prior to any off-site staging, the planner will be consulted for approval.
- Sidewalks: The Board wants it clearly understood that the sidewalk must go in prior to the opening of the building and prior to the Certificate of Occupancy.
- The Applicant is willing to put in strong encouragement in its tenant leases to join the TVM, but cannot require this.
- Response from the Dedham Fire Department or the Westwood Fire Department must be in place prior to the building opening.
- Emergency contact numbers will be put into the Certificate of Action.
- The standard dumpster clause will be added to the Certificate of Action.
- Mr. Findlen commented that there needs to be a way to make people aware of where Allied Drive is when coming off Route 128. Mr. Zahka is open to language short of requiring re-striping of the rotary.

Disposition:

The Applicant will return on February 23, 2012, with the changes incorporated into the Certificate of Action. This meeting concluded at 8:00 p.m.

Applicant:	Whiting Avenue LLC
Project Address:	408 Whiting Avenue
Property Owner:	Whiting Avenue LLC and David Raftery
Case #:	SITE-05-11-1375

Zoning District:	LMA District
Date of Hearing:	February 9, 2012
Location of Hearing:	Lower Conference Room
Time of Hearing:	8:05 p.m.

Applicant Representative(s):	Peter A. Zahka II, Esq. David Raftery, Owner Michael McKay, AIA Kenneth Cram,
Town Consultant:	Steven Findlen, McMahon Associates

Prior to any action of the board and prior to the beginning of the meeting, Mr. Bethoney announced that he would recuse himself from this meeting due to a professional relationship with the Applicant. He left the room. Mr. Steeves previously announced that he has filed a disclosure of conflict of interest because he is a distant relative of Mr. Raftery. He stated that he can be objective. He filed a statement with the Town Clerk.

The applicant presented to the Board to discuss a proposed Certificate of Action for 408 Whiting Avenue. Mr. Zahka indicated that he had made the changes that the Board requested at its last meeting.

- Language will be put into the Certificate of Action that site visits will be allowed to re-adjust lighting if necessary. Mr. Findlen noted there is still a bit of spill over.
- The Applicant is working with the abutter next door regarding fencing. The fence meets regulations. It will be pulled back four to five feet from the property line to prevent blocking line of site.
- Site distances were put on the plan and were submitted for review today.
- The auto turn analysis for the dumpster is pending. They have downsized the trucks that will be used.
- The Board of Selectmen has adopted speed humps as a temporary traffic calming measure, and is waiting to hear from Department of Public Works Director Joseph Flanagan about how to implement them. If they work, they will become permanent.
- They have asked for a seasonal waiver for snow removal, and will go to the Conservation Commission for storm water management.

Disposition:

The Applicant will return on February 23, 2012, with the changes incorporated into the Certificate of Action. This meeting concluded at 8:23 p.m.

Applicant:	1000 Washington Street Realty LLC
Project Address:	1000 Washington Street
Property Owner:	1000 Washington Street Realty LLC
Case #:	MNRP-02-12-1481

Zoning District:	RDO District
Date of Hearing:	February 9, 2012
Location of Hearing:	Lower Conference Room
Time of Hearing:	8:32 p.m.

Applicant	Peter A. Zahka II, Esq.
Representative(s):	Gerry Nassif, Owner Joseph Mousally, Owner Michael McKay, AIA

The Applicant appeared before the Board for a Scoping Session.

Mr. Zahka's Statement: At the last Special Town Meeting, the Town changed the bylaw to allow subsidiary apartments in the RDO district provided that the lot is on a major highway. The fact that the gross floor area of the proposed building is over 25,000 square feet makes it a Major Nonresidential Project with the Planning Board being the Special Permit granting authority.

Waivers Requested:

1. Waiver to allow the plan size to be what the engineers/architects believe is appropriate for a project of this size.
2. Seasonal snow waiver.
3. Waiver so that internal radii be less than twelve feet.

Site:

- 40 foot setback from Washington Street; standard setback in RDO district is 30, but this bylaw requires 40 feet.

- 15 foot side yard setbacks.
- 30 foot rear setback.
- 30 feet from Gay Street in Westwood.
- Perimeter will be heavily landscaped with berms and a five-foot buffer in back.
- Entrance and exit are at the far left and on Gay Street.
- First floor: 3,000 square feet of commercial space.
- Second floor: 28 one-bedroom apartments, 680 to 800 square feet in size.
- The building will have a commercial flare but with a mansard roof, slightly sloping to give a residential feel, and windows will be residential in scale.
- There will be bricks on the first floor.
- The building will be 30 feet high.
- They plan for 57 parking spaces.
- There are no wetland issues, but they will go to Conservation Commission for storm water management.
- Fire access will be from Washington Street. The Fire Department requires underpaving of landscaping area to pull its apparatus on.
- Proposed uses for first floor: offices, i.e., medical, general office, real estate brokers.

Audience Comments:

- Frank Marinelli, Esq., 439 Washington Street, Braintree, representing Dedham Executive Center, had many questions and concerns regarding the project. He questioned zoning, compliance with dimensional requirements, compliance with maximum floor area ratio, among other things.
- Mr. Marinelli was informed that the Planning Board looks at the plan and requires the applicant to fund a peer review for literal compliance. In addition, the Conservation Commission will review for storm water compliance.
- Mr. Zahka will send Mr. Marinelli information and will discuss the application with him.

Disposition:

Mr. Bethoney made a motion to accept the Applicant's request on page 4, paragraph 1 of his statement relating to waiver requirement from Section 5.1.9.3 regarding radius. Mr. Steeves seconded the motion. The vote of the Board was unanimous. This meeting concluded at 9:05 p.m.

Applicant:	Boston Upholstery and Design
Project Address:	99 Bussey Street
Property Owner:	Boston Upholstery and Design
Case #:	PRKG-02-12-1482
Zoning District:	LB District
Date of Hearing:	February 9, 2012
Location of Hearing:	Lower Conference Room
Time of Hearing:	9:06 p.m.
Applicant Representative(s):	Peter A. Zahka II, Esq.

The Applicant received approval from the Zoning Board of Appeals to change a pre-existing nonconforming use and structure to another nonconforming use. There is no formal parking on the site, and never has been. A formal parking plan was waived at the time they went to the Zoning Board of Appeals. There used to be a dumpster enclosure in the front. The Applicant wishes to move the dumpster to the back, and will fence it according to Town of Dedham requirements. He needs approval from the Planning Board to do this.

Mr. Bethoney made a motion to allow the Applicant to move the dumpster as noted. Mr. Steeves seconded the motion. The vote of the Board was unanimous at 5-0. This meeting concluded at 9:10 p.m.

REVIEW OF ZONING AMENDMENTS FOR ANNUAL TOWN MEETING

This discussion began at 9:12 p.m.

Mr. McCarthy stated that he reviewed the proposed zoning amendments with Mark Bobrowski, Esq. and Building Commissioner Kenneth Cimen. The public hearing for the articles will be on March 12, 2012.

- Article 20: Accessory Building or Structure with area greater than 120 square feet needs a building permit.
- Article 21: Officially adopt the new zoning map as prepared by the GIS Division of the Engineering Department.
- Planned Commercial Development Standards: Mr. Bobrowski added a section in Planned Commercial development that outlines where it is allowed. He has removed it from the table.
- Child Care, Family Day Care: The Board had initially planned to do this in the Fall. The way it is proposed is identical to what was previously proposed. Mr. Bobrowski recommended referring to the statute in the section. Mr. Podolski commented that unless a regular public citizen knows to look up Chapter 15D, Section 1A to determine the definition, it can be confusing. Mr. McCarthy said an option would be to amend the chapter and section to the Town Meeting report. A copy of this will be provided at the public hearing. Mr. Podolski suggested that the definitions be marked in bold so that people will be drawn directly to the language.
- Dimensional Table: Mr. Bobrowski attempted to delete a lot of footnotes, but Mr. Cimen's concern is that they have specific meaning, and by removing them, it could create an issue. Overall review deleted two footnotes.
- Section 5.1.5, Shared Parking, Shared Parking: In the existing parking bylaw section, there is language relative to somebody obtaining a Special Permit from the Board of Appeals, but still needing to come before the Planning Board for parking. Also, the Board of Appeals can grant variances for dimensional issues, but for parking numbers and uses, it is the purview of the Planning Board through a waiver. This makes it clear that parking issues are under the Planning Board's jurisdiction.
- Section 5.1.6, Required Parking Spaces, CB District: Even though a business does not have parking, it needs to come before the Planning Board for approval. "Major renovation" will be added to the language.
- Modification of Existing Lots: Mr. Bobrowski has re-written this. Mr. Bethoney will discuss this with him.
- Loading Provision has been added.
- Waiver Section has been added.
- Footnotes for Use Table: Mr. Bobrowski has worked on this, but Mr. McCarthy is not comfortable because some things have been dropped and some things have been changed. He and Mr. Cimen have also not had the opportunity to go through this. He does not believe that this is ready for Town Meeting.
- Modification of DRAB Bylaw: Delete sentence requiring a letter to be written to DRAB as to why the Board does not adopt their recommendation.
- Site Plan: There is reference to Senior Campus regarding parking plan. This is deleted and will be site plan review in the event of changes.
- Mr. McCarthy has a meeting set up with Town Counsel, who owes the town flood plain amendments to the zoning.

OLD BUSINESS/NEW BUSINESS

Mr. O'Brien stated that the Master Plan Implementation Committee would like to be able to sit in on the March 12, 2012, Planning Board for the zoning amendments. They may have some questions regarding the changes being proposed. The Board will welcome them.

Applicant: Animal Rescue League of Boston
Project Address: 220 Pine Street
Property Owner: Animal Rescue League of Boston
Case #: PRKG-06-10-1233

Zoning District: Single Residence A
Date of Hearing: February 9, 2012
Location of Hearing: Lower Conference Room
Time of Hearing: 9:35 p.m.

The Board received a request from the architect, Lucy Schlaffer, AIA, to extend the length of time for a temporary trailer during construction due to setbacks with NStar. They requested to be allowed to have them on site for the next two months. Mr. Steeves made a motion to extend the temporary trailers until June 9, 2012, and Mr. Bethoney seconded it. The vote of the Board was unanimous at 5-0. This meeting concluded at 9:40 p.m.

DISCUSSION OF BUDGET

Mr. McCarthy informed the Board that the departmental budget was reduced by \$200. The overall numbers are less because they are instituting a central purchasing system. The office expense budget of \$1,400 will go into that. He explained where the budget was changed or deleted.

MR. BETHONEY’S REPORT ON BICYCLE STUDY

Mr. Aldous noted that no time was given on the letter from Ms. LeClair announcing this meeting. He expressed displeasure with this.

Mr. Bethoney reported that, through a grant, a consultant from MAPC is assisting the Town of Dedham and the Town of Westwood in the implementation of bicycle routes and sidewalk fact finding. They are looking to determine how the towns can connect neighborhoods, schools, playgrounds, and commercial bases for pedestrian bicycle access.

MR. O’BRIEN’S REPORT ON MASTER PLAN IMPLEMENTATION COMMITTEE

Mr. O’Brien reported that the new chairman is Shaw McDermott, and the new vice chairman is Ryan McDermott. He stated that they wish to do an inventory of all old buildings. Fred Civian indicated that there is a lot of money available, and there is a timeline in order to get a grant. He was willing to write the grant. The grant money is limited, so the whole town could not be inventoried. The grant tends to look at old industrial buildings, so Dedham Square was mentioned, although they are limited on these buildings. The only real available site is East Dedham old mills. A proposal will be written to do an inventory of the old homes and industrial buildings in the Mother Brook corridor.

Mr. Bethoney made a motion to adjourn, and Mr. Steeves seconded it. The vote of the Board was unanimous. This meeting concluded at 10:00 p.m.

Respectfully submitted,

James E. O’Brien IV
Clerk
Town of Dedham Planning Board